

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4259-03
Bill No.: Perfected HCS for HB 1656
Subject: Crimes and Punishment; Probation and Parole
Type: Original
Date: April 25, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue*	(\$17,230)	(\$21,295)	(\$21,935)
Total Estimated Net Effect on <u>All</u> State Funds*	(\$17,230)	(\$21,295)	(\$21,935)

***Subject to Appropriation. Costs expected to exceed \$100,000 per year beginning FY 2008.**

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services** and the **Department of Public Safety – State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

In response to a previous version of this proposal (HB 1656), officials from the **Office of State Public Defender** assumed existing staff could provide representation for those cases arising where indigent persons were charged with forcible rape or forcible sodomy. Last FY, the State Public Defender System provided representation in 182 forcible rape cases and 87 forcible sodomy cases. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

In response to a previous version of this proposal (HB 1656), officials from the **Office of Prosecution Services** assumed prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of Attorney General (AGO)** assume the legislation may result in additional appeals because the minimum term of imprisonment will increase from five years to ten years. As a result, AGO assumes that future costs are unknown.

Oversight assumes the AGO could experience an increase in case load due to the proposed legislation. Oversight assumes the AGO could absorb the cost of the increased case load within existing resources. If the AGO experiences an increase that would justify additional FTE, the AGO could request funding through the appropriation process.

Officials from the **Department of Corrections (DOC)** assume Sections 566.030 and 566.060 have been modified to extend the minimum prison term for forcible rape or forcible sodomy or the attempts thereof from the current 5 years to 10 years and from 10 to 15 years for the same offenses when a deadly weapon is used.

In FY01 there were 6 new admissions for forcible rape with sentences of less than 10 years, 4 admissions for forcible rape with a deadly weapon with sentences less than 13 years, 4 admissions for forcible sodomy with sentences less than 10 years and 3 admissions for forcible sodomy with a deadly weapon with sentences less than 13 years. The impact of the increasing of these sentences is estimated to be an additional 2 years served in prison for 17 offenders per year.

ASSUMPTION (continued)

Therefore, the total impact is 34 inmates per year, but the impact would not occur until the

offenders had served their original time, estimated at approximately 4.8 years out. In summary, 17 more offenders would be serving time in the DOC beginning in the 5th year out.

The following charts detail the estimated fiscal impact for the scope of the fiscal note (FYs 2003, 2004, and 2005), the estimated ten-year fiscal impact, and the assumptions used in determining these costs:

Forcible Rape and Sodomy Minimum Sentence Increase			
	<u>Cost</u>	<u>Days</u>	<u>Total</u>
Operating Expenses	35.78	365	13,060
Construction (C4 or C5 \$55,000)			0
Emergency Housing	0.00	365	0
Operating Inflation (3.0%)			1.030
Emer. Hsng. Inflation (10%)			1.100
Construction Inflation (3.0%)			1.030

	End FY Population	Average Population	Emer Hsng Expense	Operating Expense	Construction Expense	Total Cost w/ Inflation
FY 2002	0	(current year which will have no costs incurred)				
FY 2003	0	0	0	0	0	0
FY 2004	0	0	0	0	0	0
FY 2005	0	0	0	0	0	0
FY 2006	0	0	0	0	0	0
FY 2007	0	0	0	0	0	0
FY 2008	17	9	0	117,570	0	140,349
FY 2009	17	17	0	222,020	0	273,057
FY 2010	17	17	0	222,020	0	281,248
FY 2011	17	17	0	222,020	0	289,686
FY 2012	17	17	0	222,020	0	298,376
Total Ten-Year Fiscal Impact:						1,282,716

ASSUMPTION (continued)

The DOC estimates the increase in population will increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal

impact.

Assumptions used to determine cost and rounded to the nearest whole number include:

- ▶ \$35.78 (FY01 cost) inmate per capita costs with an inflation rate of 3% per each subsequent year; and
- ▶ \$3.34 (FY01 cost) average daily probation costs with an inflation rate of 3% per each subsequent year.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown, it is estimated that potential costs will be in excess of the indicated measurable dollar amount per year after the 5th year out.

HOUSE AMENDMENTS 1, 2, 3 and 4:

Officials from the **Department of Corrections (DOC)** assume that the amendments are not fiscally relevant to their agency within the fiscal note time-line. Impact due to passage of HA 1 would not be felt until after 16 years out, therefore it is beyond the scope of the 3-year fiscal note and the long-range 10-year impact statement, as well. Funding for increases in population at that time would be requested through normal budgetary means.

ASSUMPTION (continued)

DOC stated there were 6 new admissions for offenders with life sentences in CY01. Typical time served by offenders with life sentences for the selected offenses have been 16 years, but there have been very few released (3) in recent years. The average time spent in prison until occurrence of natural death is about 25 years. (Average age upon entry is 30 years and average age upon death is 55 years.) Approximately 9 additional years would be served by each of the 6 offenders sentenced to life without parole.

Officials from the **Department of Social Services, Office of the State Courts Administrator, Department of Public Safety - Missouri State Highway Patrol** assume the amendments would not fiscally impact their respective agencies.

Officials from the **Department of Health and Senior Services (DOH)** stated that based on data maintained by the Missouri State Highway Patrol, it is estimated that 2,500 rape kits would be purchased and distributed to hospitals by the department. The fiscal impact of this bill was determined by using the following methodology: Cost of the rape kits, mailing envelopes, cost of shipping kits to the requesting hospitals, printing of letters notifying hospitals of the availability of the kits, mailing costs associated to sending the notification letters.

The DOH would send notification letters, not only to hospitals, but also to rape crisis centers and other pertinent entities so that they would be aware that the department has these kits available. This figure is estimated to be 5,000.

Rape kits cost \$5.00 each (the number of kits was provided by the Highway Patrol based on usage since 1998), shipping cost per kit \$2.00, shipping envelopes \$55.00 per box, printing and mailing notification letters \$0.36 per letter.

The cost of the kits and shipping was obtained from the Department of Public Safety, printing and mailing costs were calculated based on current OA printing costs and mail costs. Staff costs were calculated from existing staff working on the project at their current salaries.

Staff time associated to this bill would include, Health Program Rep II 78.0 hours = \$1,069.00 per year, Sr. Office Support Assistant-Keyboarding 130.0 hours = \$1,280.00 per year. Staff would be used to prepare documentation for printing, send out notification letters, establish and maintain tracking spreadsheets, send requests for distribution to the warehouse.

As the legislation is currently worded, the DOH would absorb the staff time utilizing existing resources.

FISCAL IMPACT - State Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

GENERAL REVENUE FUND

BLG:LR:OD (12/01)

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<u>Costs</u> – Department of Corrections			
Incarceration/Probation costs*	\$0	\$0	\$0
<u>Costs</u> - Department of Health and Senior Services (HA 4)			
Rape Kits	(\$10,417)	(\$12,875)	(\$13,261)
Printing and Shipping Costs	<u>(\$6,813)</u>	<u>(\$8,420)</u>	<u>(\$8,674)</u>
Total <u>Costs</u> - Department of Health and Senior Services **	<u>(\$17,230)</u>	<u>(\$21,295)</u>	<u>(\$21,935)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**	<u>(\$17,230)</u>	<u>(\$21,295)</u>	<u>(\$21,935)</u>

***Costs expected to exceed \$100,000 per year beginning FY 2008.**

**** Subject to Appropriation**

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposal would increase the minimum required sentence for forcible rape, attempted forcible rape, forcible sodomy, and attempted forcible sodomy from five to ten years unless the crimes result in serious physical injury or involve a deadly weapon, in which case the minimum required sentence would be increased from ten to fifteen years.

The proposal also states that nothing in the proposal shall prohibit a law enforcement agency from obtaining a saliva sample for purposes of obtaining a DNA sample.

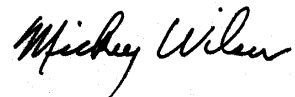
DESCRIPTION (continued)

The proposal also states that the Department of Health and Senior Services shall, subject to appropriation, provide upon request to any hospital rape kits and similar collection materials to aid in the identification of rape suspects.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender
Department of Health and Senior Services



Mickey Wilson, CPA
Acting Director

April 25, 2002